

Message Text

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PAGE 01 STATE 141762
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FM SECSTATE WASHDC

TO AMEMBASSY BELGRADE IMMEDIATE

C O N F I D E N T I A L STATE 141762

EXDIS FOR USDEL CSCE

FOLLOWING REPEAT BMOSCOW 8677 ACTION SECSTATE DATED JUN 16:

QTE: C O N F I D E N T I A L MOSCOW 8677

EXDIS

E.O. 11652: GDS

TAGS: PINT, CASC, UR, US

SUBJECT: TOTH CASE

REF: MOSCOW 8384

SUMMARY: TOTH'S INTERROGATION WAS CLEARLY AIMED PRIMARILY AT ANATOLIY SHCHARANSKIY AND CONNECTED WITH THE CASE AGAINST HIM THAT THE KGB IS NOW CONSTRUCTING. DURING THE INTERROGATION, THERE WAS ONLY ONE QUESTION CONCERNING THE RELATIONSHIP BETWEEN AMEMBASSY OFFICERS AND THE REFUSENIKS. TOTH EVENTUALLY AGREED TO SIGN THE PROTOCOLS OF HIS INTERROGATIONS, ALTHOUGH HE FEELS COVERED BY HIS
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DISCLAIMERS. WE INTEND TO PROTEST THE TOTH EPISODE TO MFA AND RECOMMEND THAT WASHINGTON TAKE PARALLEL ACTION.
END SUMMARY.

1. SOVIET OBJECTIVES: IT IS NOW CLEAR FROM TOTH'S REPORTS OF HIS INTERROGATIONS THAT THEIR PRIMARY PURPOSE WAS TO BUTTRESS THE CASE WHICH THE KGB IS

BUILDING AGAINST ANTOLIY SHCHARANSKIY (AND POSSIBLY OTHER DISSIDENTS, ESPECIALLY REFUSENIKS). WHILE WE DO NOT MINIMIZE THE CSCE-RELATED ASPECT OF TOTH'S DETENTION AND ALSO APPRECIATE THE FACT THAT TOTH'S CASE IS INTENDED AS A WARNING TO ALL WESTERN CORRESPONDENTS, AND TO THEIR SOVIET CONTACTS, THE SHCHARANSKIY ASPECT OF THE CASE IS OF FIRST IMPORTANCE. THE QUESTIONING WAS FOCUSED UNIQUELY ON TOTH'S RELATIONS WITH JEWS, THOUGH THIS WAS NEVER STATED EXPLICITLY. THE INTERROGATORS DID NOT ASK HIM ABOUT CONTACTS WITH NON-JEWISH DISSIDENTS (E.G., THE ORLOV GROUP). THEY DID NOT FOLLOW UP ON TOTH'S RELATIONS WITH NON-JEWS, EVEN WHEN TOTH ADMITTED TO HAVING HAD THEM. THUS, WE SEE A SPECIFICALLY JEWISH ASPECT TO HIS INTERROGATION.

2. WE INTERPRET THE QUESTIONS PUT TO TOTH AS A KGB ATTEMPT TO ESTABLISH THAT SHCHARANSKIY HAD BEEN ASKED BY TOTH TO COLLECT INFORMATION WHICH, UNDER SOVIET LAW, CAN BE CONSTRUED AS SECRET. TOTH IS, IN EFFECT, ALSO BEING ASKED TO PROVIDE THE PROOF OF AN ALLEGATION THAT SHCHARANSKIY WILLINGLY COOPERATED WITH HIM TO INTRODUCE HIM TO SCIENTIFIC WORKERS ENGAGED IN SECRET ACTIVITIES. THE CLEAR INTENT OF TOTH'S INTERROGATORS IS TO SHOW THAT SHCHARANSKIY IS GUILTY OF PASSING INFORMATION -- WRITTEN AND ORAL -- TO TOTH IN VIOLATION OF ARTICLE 64 (AND PERHAPS 70) OF THE RSFSR CRIMINAL CODE.

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3. WE ARE STRUCK THAT, EXCEPT FOR ONE PERIPHERAL QUESTION OF THE THE FIRST SESSION, THE INTERROGATORS DID NOT ATTEMPT TO GET TOTH TO TESTIFY CONCERNING THE ACTIVITIES OF DIPLOMATS (I.E., AMEMBASSY OFFICERS) IN CONNECTION WITH SHCHARANSKIY. IT IS PERFECTLY PLAUSIBLE THAT THE AUTHORITIES WILL EVENTUALLY DECIDE TO LINK EMBASSY OFFICERS WITH SHCHARANSKIY; INDEED, WE WOULD BE SURPRISED IF THEY DID NOT. HOWEVER, IT MAY BE THAT THEY ARE HAVING SOME DIFFICULTY IN FAKING SHCHARANSKIY'S DIRECT INVOLVEMENT WITH THE CIA AND WE SPECULATE THAT THIS MAY BE WHY THEY ARE BEARING DOWN ON AN ADMITTED INVOLVEMENT WITH A JOURNALIST WHOSE PUBLISHED ARTICLES REVEAL "SECRET" INFORMATION.

4. SIGNIFICANCE OF PROTOCOLS: TOTH FINALLY SIGNED PROTOCOLS FOR ALL THREE INTERROGATIONS. HE TOLD US THAT AFTER LONG AND ACRIMONIOUS DISCUSSIONS WITH HIS INTERROGATORS AT BOTH SESSIONS ON JUNE 15, HE WAS FINALLY CONVINCED THAT HE WAS OBLIGED TO SIGN UNDER

ARTICLE 160 OF THE PROCEDURAL CODE. THE VARIOUS FORMULATIONS WHICH HE USED AS DISCLAIMERS IN SIGNING WERE AS CLOSE AS HE FELT HE COULD COME TO STATING THAT HE HAD SIGNED UNDER DURESS AND/OR THAT HE DID NOT HAVE FULL KNOWLEDGE OF THE CONTENTS OF THE PROTOCOLS. AS WE READ ARTICLE 160 IT PROVIDES NEITHER THAT A WITNESS MUST SIGN A PROTOCOL NOR THAT HE MAY REFUSE TO DO SO. IT MERELY STATES THAT HE SIGN IT.

5. LEGAL COUNSEL: AS TO THE PRESENCE OF LEGAL COUNSEL OR OF A CONSULAR OFFICER, TOTH OBSERVED THAT HIS INTERROGATORS CONSISTENTLY TOOK THE POSITION THAT SINCE HE WAS NOT HIMSELF UNDER INTERROGATION HE DID NOT HAVE THE RIGHT TO COUNSEL OR THE PRESENCE OF A U.S. OFFICIAL.

6. A FINAL PROTEST: WE CONSIDER IT IMPORTANT TO PRO-CONFIDENTIAL

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TEST BY FORMAL NOTE THE INVESTIGATION OF TOTH AND THE ATTEMPT TO PILLORY HIM FOR THE EXERCISE OF HIS NORMAL JOURNALISTIC DUTIES. TEXT OF NOTE TO BE DELIVERED JUNE 17 CONVEYED SEPTTEL. TOON UNQTE VANCE

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